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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 PATRICK QUIROZ, DOMINIQUE
11 MIRZA, and LOUISE CRESPO, on
12 behalf of themselves and all others
similarly situated

13 Plaintiffs,

14 v.

15 SABATINO TRUFFLES NEW
YORK, LLC and SABATINO
16 NORTH AMERICA, LLC,

17 Defendants.

Case No. 8:17-cv-00783-DOC-KES

Assigned to: Hon. David O. Carter

**DEFENDANTS SABATINO
TRUFFLES NEW YORK, LLC AND
SABATINO NORTH AMERICA,
LLC'S NOTICE OF MOTION AND
MOTION TO DISMISS THE
AMENDED COMPLAINT**

Filed concurrently herewith:

(1) Memorandum of Points and
Authorities in Support Thereof;
(2) [Proposed] Order
(3) Defendants' Request for Judicial
Notice in Support of Defendants' Motion
to Dismiss the Amended Complaint

Date: September 11, 2017

Time: 8:30 a.m.

Location: Courtroom 9D

Amended Complaint Filed: July 21, 2017

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on September 11, 2017 at 8:30 a.m., in
 3 Courtroom 9D of the United States District Court for the Central District of
 4 California, located at 411 West Fourth Street, Santa Ana, California 92701, before the
 5 Honorable David O. Carter, Defendants Sabatino Truffles New York, LLC and
 6 Sabatino North America, LLC ("Defendants") will and hereby moves the Court for an
 7 order dismissing with prejudice Plaintiffs' Amended Complaint under Rules 12(b)(1),
 8 12(b)(6), 8(a), and 9(b) of the Federal Rules of Civil Procedure on the grounds that the
 9 Court lacks subject matter jurisdiction to hear the claims because Plaintiffs lack
 10 standing to assert the claims alleged, and that Plaintiffs have failed to plead with the
 11 requisite degree of particularity a claim upon which relief can be granted.

12 This Motion is made following the conference of counsel pursuant to L.R. 7-3
 13 which took place on July 26, 2017. This Motion is based upon this Notice of Motion
 14 and Motion, the supporting Memorandum of Points and Authorities, Defendants'
 15 Request for Judicial Notice filed concurrently herewith, the pleadings and filings in
 16 this action, and any such argument and submissions that may be presented at or before
 17 the hearing.

18 Respectfully submitted,

19 Dated: August 4, 2017

20 SIDLEY AUSTIN LLP

21 By: /s/ Alexis Miller Buese

22 Alexis Miller Buese

23 *Attorneys for Defendants*

24 Sabatino Truffles New York, LLC and
 25 Sabatino North America, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2017, I electronically filed the foregoing
**DEFENDANTS SABATINO TRUFFLES NEW YORK, LLC AND SABATINO
NORTH AMERICA, LLC'S NOTICE OF MOTION AND MOTION TO
DISMISS THE AMENDED COMPLAINT** with the Clerk of the Court by using
the CM/ECF system. I certify that all participants in this case are registered
CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Alexis Miller Buese
Alexis Miller Buese